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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/471,630	12/24/1999	GLEN SONNENBERG	NA99-01001	7746

28875 7590 04/21/2004

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EXAMINER

JACKSON, JENISE E

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

3

Office Action Summary

Application No.

09/471,630

Applicant(s)

SONNENBERG, GLEN

Examiner

Jenise E Jackson

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Segal.
3. As per claim 1, Segal discloses method of scanning a communication received at a firewall for target content(see col. 2, lines 51-54, col. 3, lines 26-32), wherein the communication is directed to one of a set of computer nodes connected to the firewall(see col. 2, lines 58-67, col. 3, lines 1-12), maintaining on the firewall a scanning module configured to scan communications received at the firewall(see col. 3, lines 35-45); maintaining a set of criteria for determining when one of the communications may be scanned at a computer node connected to the firewall instead of at the firewall(see col. 2, lines 60-67, col. 3, lines 1-15); partitioning responsibility for scanning the communications between the firewall and a first computer node connected to the firewall(see col. 2, lines 60-67, col. 3, lines 1-15, col. 4, lines 20-26); receiving a first communication is intended for the first computer node(see col. 2, lines 60-67, col. 3, lines 1-15); identifying one or more attributes of the first communication(see col. 2, lines 60-67, col. 3, lines 1-15); determining from the criteria and the attributes whether to scan and the first communication for target content on the firewall(see col. 3, lines 1-15); determining from the criteria and the attributes whether the first computer node is configured to scan the first

communication for the target content(see col. 3, lines 1-15); and forwarding the first communication to the first computer node; wherein the first computer node receives and scans the communication for target content(see col. 3, lines 1-15, 26-33).

4. As per claim 2, Segal discloses receiving a second communication at the firewall, wherein the second communication is intended for a second computer node(see col. 2, lines 60-67, col. 3, lines 1-15); identifying one or more attributes of the second communication(see col. 2, lines 60-67; determining from the criteria and the attributes of the second communication whether the second computer node is permitted to scan the second communication for predetermined content(see col. 2, lines 60-67, col. 3, lines 1-15); scanning the second communication at the firewall for the predetermined content(see col. 3, lines 1-15); and forwarding the second communication to the second computer node(see col. 2, lines 60-67, col. 3, lines 1-15); wherein the second computer node receives but does not scan the second communication for the predetermined content(see col. 3, lines 1-15).

5. As per claim 3, Segal discloses marking the second communication before the forwarding to the second computer node(see col. 3 lines 1-7).

6. As per claim 4, Segal discloses receiving scanning capabilities of a first computer node connected to the firewall(see col. 3, lines 1-6); consulting a set of scanning requirements specified by an operator of the firewall(see col. 2, lines 60-67, col. 3, lines 12-15); and specifying a set of criteria to identify when communication may be scanned for target content by the first computer node(see col. 3, lines 1-15).

7. As per claim 5, Segal discloses wherein the partitioning further includes receiving a set of proposed criteria from the first computer node(see col. 3, lines 1-15).

Art Unit: 2131

8. As per claim 6, limitations have already been addressed(see claim 1).
9. As per claim 7, limitations have already been addressed(see claims 1-2). Further, claim 7, is rejected for a virus scanner, inherently discloses a virus scanner a firewall that filters and scans data(see col. 3, lines 35-45) .
10. As per claim 8, Segal discloses a first subset of firewall rules for application by the firewall to determine how to handle the communication(see col. 2, lines 60-67, col. 3, lines 12-15); and a second subset of proxy rules for application by a proxy operating on the firewall to determine how to handle the communication(see col. 3, lines 1-15).
11. As per claim 9, Segal discloses a first subset of scanning rules for determining when the communication may be scanned for target content by a destination node of the communication instead of the firewall(see col. 3, lines 1-15); a second subset of scanning rules for determining when the communication is to be scanned on the destination node and not on the firewall(see col. 3, lines 1-15, 30-45).
12. As per claim 10, Segal discloses negotiating between the firewall and the first node to define the first subset of scanning rules(see col. 3, lines 1-15).
13. As per claim 11, Segal discloses receiving the second subset of scanning rules from a firewall administrator(see col. 2, lines 60-67).
14. As per claim 12, Segal discloses establishing a secure connection between the firewall and the first node; receiving at the firewall a proposed set of criteria for determining when a first node shall scan a communication instead of the firewall; and determining whether the proposed set of criteria conflicts with the second subset of scanning rules(see col. 3, lines 1-15).

15. As per claim 13, Segal discloses negotiating further includes providing the first subset of scanning rules to the first node(see col. 3, lines 1-15).

16. As per claim 14, Segal discloses negotiating further includes sending an updated version of the second virus scanner to the first node(see col. 2, lines 51-67, col. 3, lines 1-15).

17. As per claim 15, Segal discloses negotiating is performed after the second virus scanner is configured on the first node by a user(see col. 3, lines 1-15).

18. As per claim 16, Segal discloses wherein the negotiating is performed after the first node is rebooted(see col. 4, lines 20-26).

19. As per claim 17, it is rejected under the same basis as claim 1.

20. As per claim 18, Segal discloses a first indicator configured to indicate whether a first communication scanning module is installed on a firewall(see col. 3, lines 30-45); a second indicator configured to indicate whether a second communication scanning module is installed on a destination node a communication received at the firewall(see col. 4, lines 1-20); and a set of criteria to be applied to the communication to determine if the communication is to be scanned for target content at the firewall or at the destination node(see col. 2, lines 60-67), wherein the second indicator and the set of criteria are configured during a negotiation process between the firewall and the destination node(see col. 2, lines 60-67).

21. As per claim 19, Segal discloses a firewall configured to receive a communication from an external entity for a first node connected to the firewall(see col. 3, lines 1-15), a first proxy module configured to establish a connection to the external entity(see col. 2, lines 60-67, col. 3, lines 1-15); a first scanning module configured to scan the communication for target content(see col. 3, lines 1-15); and a set of rules configured to determine whether the communication is to be

scanned for the target content on the firewall or on the first node(see col. 2, lines 60-67); and a first computer node connected to the firewall includes a second scanning modules(see col. 3, lines 1-15), wherein the first computer node negotiates with the firewall to configure a first subset of the rules to identify when the first computer node shall scan the communication rather than the firewall(see col. 2, lines 60-67, col. 3, lines 1-15); wherein a measurement of performance of the firewall is increased as a result of the first node scanning one or more communications rather than the firewall(see col. 3, lines 1-15) .

22. As per claim 20, Segal discloses includes a negotiation module to negotiate with the firewall on behalf of multiple scanning modules, including the second scanning module(see col. 3, lines 1-15).

23. As per claim 21, Segal discloses wherein the firewall includes a negotiation module to negotiate with the first node on behalf of multiple proxies, including the first proxy module(see col. 2, lines 51-67).

24. As per claim 22, Segal discloses a first set of criteria to be applied for all nodes connected to the firewall and all communications received at the firewall to determine if a first communication received at the firewall for a first destination node connected to the firewall may be scanned for target content by the first destination node rather than the firewall(see col. 2, lines 60-67, col. 3, lines 1-15); and a second set of criteria to be applied for a subset of all communications to determine if the first communication may be scanned for the target content by the second destination node rather than the firewall(see col. 2, lines 60-67, col. 3, lines 1-15); wherein the second set of criteria are applied by the first proxy module and the subset of all communications includes communications formatted according to a predetermined

Art Unit: 2131

communication protocol; and wherein the first set of criteria is applied prior to the second set of criteria(see col. 2, lines 60-67, col. 3, lines 1-15).

Response to Amendment

25. The Applicant states that Segal does not disclose maintaining a set of criteria for determining when one of the communications may be scanned at a computer node connected to the firewall instead of at the firewall. The Examiner disagrees with the Applicant. Segal discloses that each firewall includes a shared list that includes a plurality of nodes and a set of access privileges for each listed node(see col. 2, lines 60-67), thus Segal does disclose maintaining a set of criteria. Further, Segal discloses determining when one of the communications may be scanned at a computer node connected to the firewall instead of at the firewall, because Segal discloses an example such as node B1 is a computer or LAN at an accounting firm, the firm(node B1) may want to restrict the nodes from which it receives or transmits E-mail or other certain types of transmissions. The firm(node B1) wishes to receive e-mail only from its clients Z1, Y2, and X4 all of which are nodes on the network. Node(B1) would instruct node(45) which is a firewall to provide that shared list. Thus, Segal discloses that the node and the firewall communicate to determine which transmissions are to be transmitted.

26. The Applicant states that Segal does not disclose a virus scanner. Segal inherently discloses a virus scanner, because Segal discloses a firewall that filters and scans data(see col. 3, lines 35-45).

Final Action

27. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenise E Jackson whose telephone number is (703) 306-0426. The examiner can normally be reached on M-Th (6:00 a.m. - 3:30 p.m.) alternate Friday's.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (703) 305-9648. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 308-6306 for After Final communications.

Application/Control Number: 09/471,630

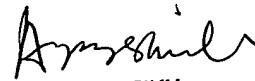
Page 9

Art Unit: 2131

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



April 13, 2004



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